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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/787,406

02/27/2004

Hajime Saiki

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02/23/2006

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EXAMINER

NORRIS, JEREMY C

ART UNIT

PAPER NUMBER

2841

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/787,406	Applicant(s) SAIKI ET AL.	
	Examiner Jeremy C. Norris	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

The drawings are objected to because the sectional views are not properly cross-hatched (see MPEP 608.02). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by US 6,281,446 (Sakamoto).

Sakamoto discloses, referring primarily to figure 1, a wiring substrate, in which a wiring staked portion (11) including a conductor layer and a resin layer is stacked on a principal face of a core substrate (13) including a substantially cylindrical through hole conductor (14) in a through hole extending there through and a filling material filling a hollow portion of said through hole, comprising: a cover-shaped conductor portion covering an end face of said through hole just above a principal face of said core substrate and connected to said through hole conductor; and a terminal pad conductor provided over a principal face of said wiring stacked portion for disposing connection terminals (23) used for connections with an external device (16), wherein a connection portion composed of via conductors buried in said resin layer brings said cover-shaped connection portion and said terminal pad conductor into conduction, and said via conductors composing said connection portion are provided not above a center axis of said through hole [claim 1], wherein said via conductors are provided not above said filling material in said through hole conductor [claim 2], wherein, of said via conductors,

the via conductors to be connected with said cover-shaped conductor portion are conformal vias [claim 3], wherein, of said via conductors, the via conductors to be connected with said terminal pad conductor are provided not above said through hole [claim 4], of said via conductors, the via conductors on a side of said terminal pad conductor are more spaced above said through hole from a center axis of said through hole than the via conductors on a side of said cover-shaped conductor portion [claim 5], wherein said through hole is out of position below a center axis of said terminal pad conductor [claim 7].

Similarly, Sakamoto discloses, a wiring substrate comprising: a core substrate including an insulating substrate (12), a through hole provided through the insulating substrate, a substantially cylindrical through hole conductors formed on an inner circumference of said through hole, and a filling material filling a hollow portion of said through hole conductors; a cover-shaped conductor layer provided on at least one principal face of said core substrate and in a shape containing an end face of said through hole and having conduction to said through hole conductor; a plurality of resin layers (11) provided over said cover-shaped conductor layer; a ball pad conductor (22) provided over said resin layers and having solder balls (23) to be connected with connection terminals of an external device (16); and a connection portion including via conductors buried individually in said resin layers for bringing said cover-shaped conductor layer and said ball pad conductor into conduction, wherein said via conductors are made of filled vias, and in case a through direction of said through hole is a center axis direction, an individual center axes of said via conductors composing

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said connection portion and said ball pad conductor are not aligned with the center axis of said through hole [claim 8].

Moreover, Sakamoto discloses a wiring substrate comprising: a core substrate including an insulating substrate (12), a through hole provided through the insulating substrate, a substantially cylindrical through hole conductors (14) formed on an inner circumference of said through hole, and a filling material filling a hollow portion of said through hole conductors; a cover-shaped conductor layer (13) provided on at least one principal face of said core substrate and in a shape containing an end face of said through hole and having conduction to said through hole conductor; a plurality of resin layers (11) provided over said cover-shaped conductor layer; a ball pad conductor (22) provided over said resin layers and having solder balls (23) to be connected with connection terminals of an external device (16); and a connection portion including via conductors buried individually in said resin layers for bringing said cover-shaped conductor layer and said ball pad conductor into conduction, wherein the via conductor of said connection portion, which is connected to said cover-shaped conductor layer is composed of conformal vias whereas the remaining via conductors are composed of filled vias, and in case a through direction of said through hole is a center axis direction, an individual center axes of said via conductor composed of said filled vias and said ball pad conductor are not aligned with the center axis of said through hole [claim 9].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto.

Sakamoto discloses the claimed invention as described above except Sakamoto does not specifically state that the connection portion has a stacked via structure, in which a plurality of filled vias are substantially concentrically contiguous to each other at positions other than that above said through hole [claim 6]. However, it is well known in

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the art to form a stacked via structure wherein the vias are substantially concentrically contiguous to each other as evidenced by Sakamoto (see figure 1, vias near reference 20). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form the connection portion to have such a stacked via configuration in the invention of Sakamoto. The motivation for doing so would have been to reduce the wiring length of the via structure, thus making it less susceptible to noise.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakamoto in view of US 5,951,917 (Nayak).

Sakamoto discloses the claimed invention as described above except Sakamoto does not specifically state that the center axes of said via conductors are spaced by  $50\mu\text{m}$  or more and  $300\mu\text{m}$  or less from a center axis of the through hole [claim 10]. However, such a via pitch is well known in the art as evidenced by Nayak (col. 2, lines 5-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to form the vias in the invention of Sakamoto with a spacing in the above stated range as is known in the art and evidenced by Nayak. The motivation for doing so would have been to increase the wiring density while maintaining required electromechanical integrity. Moreover, it has been held that where the general conditions of a claim are disclosed in the prior art, discovering that optimum or workable ranges involves only routing skill in the art. *In re Aller*, 105 USPQ 233.



***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following documents disclose via structures:

US 5,439,732      Nagasaka et al.,

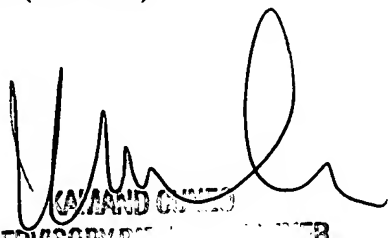
US 6,810,583 B2    Carpenter et al..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy C. Norris whose telephone number is 571-272-1932. The examiner can normally be reached on Monday - Friday, 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kamand Cuneo can be reached on 571-272-1957. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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